IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1393 OF 2004
(For delay)
IN
CRIMINAL APPEAL NO.407 OF 2004
AND
CRIMINAL APPEAL NO.407 OF 2004

The State of Maharashtra ...Applicnat.

V/s

Govind Dinkar Jogade
and Anr. ...Respondents

Mr. K.V. Saste, APP for the applicant - State

None for the respondents.

CORAM: V.M. KANADE, J.
DATE : 14TH OCTOBER, 2004

1. Heard the learned APP appearing on behalf for the State.

2. Delay in filing the appeal is condoned for the reasons stated in Criminal Application No.1393 of 2004.

3. State has challenged the judgment and order passed by the Judicial Magistrate, First, Class, Court No.1, Kolhapur in RCC No.71 of 1997. The accused were charged under sections 324, 504, r/w section 34 of the I.P.C. The Trial Court acquitted the accused. While appreciating the evidence on record, the Trial Court has come to the conclusion that the prosecution has

not proved its case beyond the reasonable doubt. That the injuries were found on the person of the accused and that they were not self inflicted injuries. Further, the Trial Court has come to the conclusion that the injury on the hand of the complainant was not inflicted intentionally as the complainant's evidence did not disclose that the accused had injured the complainant. From the evidence on record, Trial Court has come to the conclusion that the right of private defence which was specifically raised by the accused was not ruled out.

4. I have perused the evidence on record with the assistance of the learned APP appearing on behalf of the State. I do not see any reason to interfere with the said order. Leave is refused. Appeal is rejected.

V.M. KANADE, J.